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REMARKS

In response to the Office Action mailed on October 20 2004 and to the Advisory action of January 19, 2005, Applicant herewith submits this RCE and preliminary amendment, consistent with the scope of the unentered amendment of December 20, 2004 and with additional claims and remarks included below. Accordingly, applicant respectfully requests reconsideration.

Claim(s) 1, 5-7, 9 and 11-15 are now pending in this Application. Claims 1 and 9 independent claims and the remaining claims are dependent claims. In this Amendment, claims 1 and 9 have been amended, claims 2, 8, 10, and 16-22 been cancelled and claims 23-30 have been added. Applicant submits that the present amendments and remarks serve to further the application to allowance, and discusses only claimed subject matter previously presented. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

Briefly, for the reasons recited below, Applicant has amended independent claims 1 and 9 with the subject matter of former claims 2 and 10, respectively. Further, and in an overabundance of caution, applicant has cancelled claims 16-22, in order to further the case to allowance. Applicant does not concede that these claims are unpatentable but rather reserves the right to pursue the cancelled subject matter in future applications in order to narrow and focus the issues in the present case.

Rejection under 35 U.S.C. § 101:

The Office Action rejects claim 17 based on 35 U.S.C. 101 as failing to define a concrete, useful, and tangible output. Accordingly, applicant herein cancels claim 17 to facilitate furthering the remaining claims to allowance. Applicant reserves the right to pursue the subject matter of claim 17 in future applications consistent with the reasons expressed in the previous response.

Rejection under 35 U.S.C. § 103(a) based on Hanzek, U.S. Pat. No. 6,654,726, in view of Payne et al. U.S. Pat. No. 6,449,599:

The Office Action rejects claims 1 and 9 under 35 U.S.C. 103(a) based on Hanzek (U.S. Pat. No. 6,654,726) in view of Payne (U.S. Pat. No. 6,449,599). Hanzek '726, however, does not show or disclose a first predetermined element, a second predetermined element, or a third predetermined element, as recited in claim 2 and 10 and now in amended claims 1 and 9. The Office Action suggests that Hanzek teaches such predetermined formats at col. 15, lines 19-col.17, line 40. The cited portions of Hanzek '726 discuss search request and response messages processed by a message converter 922, as disclosed at page 16, lines 41-47. However, Hanzek does not show, teach, or disclose employing such search requests for routing or control information for invoking particular message processing modules (40, in the present application).

The presently claimed configuration, in contrast, employs a first predetermined element, a second predetermined element, and a third predetermined element. The first predetermined element, shown in an exemplary manner as a data section 310 of the input document 300 (Fig. 6A), stores the claimed first data set, as described at page 17, lines 25-29. The second predetermined element, shown in an exemplary manner as a command list 316 in the input document 300 (Fig. 6B), stores the message type, as described at page 18, lines 2-20. Further, as described above, the message type indicates control information allowing the order message sorter 38 to route the first data set to one of several message processing modules 40 (e.g. 40A, 40B, etc.). The third predetermined element, shown in an exemplary manner as the data section 334-338 and 360-376 (Figs. 7A-7E), represents the output document 330, as disclosed at page 20, lines 10-21 of the specification as filed.

However, the cited reference differs from the claimed first, second, and third predetermined elements because the cited Fig. 10, element 922 is a message converter (Col 9:31). The Hanzek message converter does not support the control and routing provided by the order message sorter to selectively

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invoke particular message processing modules 40 as determinable by the message type defined on the second predefined element and recited in amended claims 1 and 9.

The Office Action further suggests that the first, second, and third elements, formerly recited in claims 2 and 10, is disclosed at col. 15, line 19 - col. 17, line 40. However, the cited sections discuss an exemplary use of XML tags for formatting data, not a predetermined element for control based routing decisions as in the present claims. It is submitted, therefore, that Hanzek merely discloses a request/response sequence using a markup language, as described in the cited sections at column 16, lines 41-48.

Accordingly, claims 1 and 9 have been herein amended with the subject matter of former claims 2 and 10, respectively, to recite a first extended markup language document from a customer ordering application, a first predefined element of the first extended markup language document, invoking an ordering function based on a message type defined in a second predefined element of the first extended markup language document to generate the second data set, and providing the second data set in a third predefined element in a second extended markup language document to the customer ordering application, to further clarify and distinguish the subject matter of claims 1 and 9 from the cited references.

Further, Payne '599 is cited for the proposition that Payne teaches a payment computer for processing payment messages (paragraph 2 & 10, Office Action of 5/27/04). Payne, however, does not teach, suggest, or disclose, alone or in combination, first, second and third predefined elements as recited in amended claims 1 and 9. Rather, Payne suggests a general network payment system that includes at least one buyer computer and at least one payment computer (Col. 3:42-45). The Payne system teaches, for example, that the buyer computer is programmed to cause a payment message to be sent to the payment computer (Col. 3:47-49). The present case makes no recitation of such a buyer computer or payment computer. Further, the system described by

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present claims 1 and 9 does not require the recited vendor order server and customer ordering application to exchange such payment messages.

In view of the above amendments and remarks, Applicant respectfully submits that the claims 2 and 10 were wrongfully rejected and respectfully requests that the rejection under 35 U.S.C. 103(a) be withdraw in view of the above amendments and remarks which incorporate the subject matter of claims 2 and 10 into their independent counterparts 1 and 9. Further, it is respectfully submitted that the remaining claims in the case, 5-7 and 11-15, depend directly or indirectly from claims 1 and 9 and are for that reason likewise deemed allowable.

Finally, claims 23-30 have been herein added, consistent with the above remarks, to further clarify and distinguish applicant's claimed invention. Claims 23-30 are likewise believed allowable and such action is respectfully requested.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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Attorney Docket No.: CIS00-3846

Dated: February 22, 2005